

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CYPRIAN AKAMNONU, #44134-177,	§	
	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 3:15-CV-446-L
	§	
UNITED STATES OF AMERICA	§	
	§	
Respondent.	§	

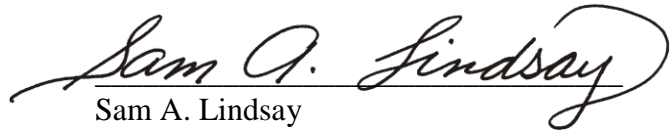
ORDER

Before the court is Petitioner Cyprian Akamnonu's ("Petitioner") *pro se* Motion to Withdraw and/or a Voluntary Dismissal Pursuant to Federal Rule of Civil Procedure 41(a)(1) (Doc. 7), filed August 6, 2015. The motion was referred to Magistrate Irma Carrillo Ramirez, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on January 5, 2016, recommending that the court grant the motion and dismiss without prejudice Petitioner's motion to vacate pursuant to 28 U.S.C. § 2255. No objections to the Report were filed.

Having reviewed the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Petitioner's Motion to Withdraw and/or a Voluntary Dismissal Pursuant to Federal Rule of Civil Procedure 41(a)(1), and it **dismisses without prejudice** Petitioner's motion to vacate pursuant to 28 U.S.C. § 2255.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c), the court **denies** a certificate of appealability.* In the event Petitioner will file a notice of appeal, the court notes that he must pay the filing fee of \$505.00 or file a motion for leave proceed *in forma pauperis* on appeal.

It is so ordered this 20th day of April, 2016.



Sam A. Lindsay
United States District Judge

* Rule 11 of the Rules Governing §§ 2254 and 2255 Cases, as amended effective on December 1, 2009, reads as follows:

(a) Certificate of Appealability. The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue. If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. § 2253(c)(2). If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. A motion to reconsider a denial does not extend the time to appeal.

(b) Time to Appeal. Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order entered under these rules. A timely notice of appeal must be filed even if the district court issues a certificate of appealability.